



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

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Salt Lake City, Utah 84116-3156
801-538-7240
801-538-7315 (Fax)

July 2, 1996

Mr. Ralph Argyle
Randolph, Ut 84064

Dear Mr. Argyle:

Re: ORDER TO CEASE USE OF WATER

On July 12, 1994 a notice was sent to all water users of the Otter Creek Distribution System regarding the need for functional headgates and measuring devices to be installed at each point of diversion on the Otter Creek. After a follow-up field inspection made by Ron Hoffman, water commissioner, it was brought to our attention that your diversion on the Otter Creek is not in compliance with the notice.

Therefore, by authority of Section 73-5-4 of the Utah Code Annotated, 1953, as amended, you are **hereby ordered to cease the use of water** at your diversion on the Otter Creek until such time as an accurate and operational measuring device and control structure are installed. This diversion will be tagged by the river commissioner. The tag will represent the order to cease the use of water.

A follow-up inspection will be made to determine compliance with the order. If the diversion is tampered with after being tagged by the commissioner, the State Engineer will seek a court order requiring that the diversion be closed until such time as the requirement listed above is completed.

This **Order** is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, as amended, which provides for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of the Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the request is filed.

If you have any questions concerning this order, please contact Bob Fotheringham at (801) 752-8755 or Lee Sim at (801) 538-7380.

Sincerely,

Robert L. Morgan, P.E.
State Engineer

RLM:GA

cc: Bob Fotheringham
Ron Hoffman
Lee Sim
John Mabey
Gertrudys Adkins